

UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA
- v -

Patrice Runner

Presiding Judge: Joanna Seybert, Senior U.S.D.J.
Case No(s): 18-cr-0578-JS-AYS
Date: 6/5/2023
Start Time: 9:35 AM Total Time: 7 hrs.

MINUTE ENTRY FOR A CRIMINAL TRIAL

Trial Regarding a Violation of Probation/Supervised Release: ☐ Yes ☒ No

I. APPEARANCES:

Defendant (# 1): Patrice Runner
☒ Present ☐ Not Present ☒ In Custody ☐ On Bond ☐ Under Supervision

Counsel: James Darrow and Charles Millioen
☐ Retained ☒ Federal Defender ☐ CJA ☐ _____

Defendant (# _____): _____
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Under Supervision

Counsel: _____
☐ Retained ☐ Federal Defender ☐ CJA ☐ _____

Defendant (# _____): _____
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Under Supervision

Counsel: _____
☐ Retained ☐ Federal Defender ☐ CJA ☐ _____

Defendant (# _____): _____
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Under Supervision

Counsel: _____
☐ Retained ☐ Federal Defender ☐ CJA ☐ _____

Government: John Burke, Charles Dunn, Rachel Baron

Court Reporter: Lisa Schmid, Paul Lombardi, Frederick Guerino

Pretrial/Probation: _____

FTR Time: _____

Interpreter: _____ Language: _____

Courtroom Deputy: Eric L. Russo

☐ See Additional Appearances page.

II. PROCEEDINGS HELD:

- ☐ Bond Hearing
- ☐ Detention Hearing
- ☐ Jury Selection (*Voir Dire*)
- ☒ Jury Trial
- ☐ Jury Deliberations
- ☐ Motion Hearing

III. PROCEEDINGS SUMMARY:

- ☐ The following proceeding(s) were held regarding _____.
- ☐ Jury Selection (*Voir Dire*) held/continued.
 - ☐ The Court ordered the jury panel to be anonymous.
 - ☐ The prospective jurors were sworn and given preliminary instructions by the Court.
 - ☐ The prospective jurors were asked questions touching upon their qualifications to serve as jurors.
 - ☐ The questioning of the prospective jurors was in the form of written questionnaires completed by the prospective jurors.
 - ☐ A conference was held with the Court and the parties to review the questionnaires completed by the prospective jurors.
 - ☐ _____ moved for a Batson Challenge as to Juror Number _____.
 - ☐ The parties presented their oral arguments to the Court.
 - ☐ The motion was ☐ granted and the juror was excused; ☐ denied and the juror remains unchallenged.
 - ☐ A jury of _____, with _____ alternates, were selected and are satisfactory to all parties.
 - ☐ The Court ordered the jury to be ☐ sequestered; ☐ semi-sequestered.
 - ☐ The selected jurors were sworn as trial jurors.
 - ☐ See Section V of this minute entry (*page 4*) for additional details and/or rulings.

- ☒ Jury Trial held/continued.
- ☒ The selected jurors were sworn as trial jurors.
 - ☒ The jurors were given preliminary instructions by the Court.
 - ☒ The Government's opening statement were heard.
 - ☒ The Defendant's(s') opening statement(s) were heard.
 - ☒ Witnesses were called for the Government.
 - ☐ Witnesses were called for the defense.
 - ☒ Exhibits were entered into evidence.
 - ☐ The Government rests.
 - ☐ The defense rests.
 - ☐ The Charge Conference was held between the Court and the parties (absent the presence of the jury).
 - ☐ The Government's summations were heard.
 - ☐ The Defendant's(s') summations were heard.
 - ☐ The Government's rebuttal summations were heard.
 - ☐ The Court charged the jury.
 - ☒ See Section V of this minute entry (*page 4*) for additional details and/or rulings.
- ☐ Jury Deliberations held/continued.
- ☐ A U.S. Marshal/Court Security Officer was sworn to monitor the jurors during deliberations.
 - ☐ Jury Notes were received and marked as Court Exhibits.
 - ☐ The Court instructed the jury to continue their deliberations pursuant to Allen v. United States (*Allen Charge*).
 - ☐ The jury rendered the following verdict:
 - ☐ _____ on count(s)/charges(s): _____ as to Defendant _____.
 - ☐ _____ on count(s)/charges(s): _____ as to Defendant _____.
 - ☐ _____ on count(s)/charges(s): _____ as to Defendant _____.
 - ☐ _____ on count(s)/charges(s): _____ as to Defendant _____.
 - ☐ The jurors were polled as to their verdict.
 - ☐ The Verdict Sheet was received and marked as a Court Exhibit.
 - ☐ The Court charged the jury on the forfeiture allegation count(s) and instructed them to continue their deliberations.
 - ☐ Jury Notes were received and marked as Court Exhibits.
 - ☐ The jury rendered their verdict regarding the forfeiture allegation count(s).
 - ☐ The jurors were polled as to their verdict.
 - ☐ The Special Verdict Sheet was received and marked as a Court Exhibit.
 - ☐ The jurors, including alternates, were excused with the thanks of the Court.
 - ☐ The Conviction Notification Form was executed and sent to the U.S. Probation Department.
 - ☐ See Section V of this minute entry (*page 4*) for additional details and/or rulings.

☐ Motion Hearing held.☐ _____ moved for:☐ Mistrial/New Trial pursuant to Rule 33 of the F.R.Cr.P.☐ Judgment of Acquittal pursuant to Rule 29 of the F.R.Cr.P.☐ _____.☐ The parties presented their oral arguments to the Court.☐ The Court made the following ruling(s): ☐ Motion granted; ☐ Motion denied; ☐ Motion granted, in part, and denied, in part.☐ _____☐ The following briefing schedule was set:☐ _____ due by: _____.☐ _____ due by: _____.☐ _____ due by: _____.☐ _____ due by: _____.☐ The parties were directed to file a proposed briefing schedule for this Court's approval on or before _____.☐ The parties are to ensure courtesy copies of their submissions (outlined above) are promptly provided to Chambers.
(**Note:** Attaching the documents to an e-mail does not satisfy this directive.)☐ The Court's decision ☐ was entered on the record; ☐ will be entered under a separate order; ☐ was reserved.☐ See Section V of this minute entry (*page 4*) for additional details and/or rulings.**IV. RULINGS MADE REGARDING DEFENDANT RELEASE STATUS:**☐ Bond Hearing/Detention Hearing held.☐ The bond application/modification was granted as to Defendant _____.☐ An Order Setting Conditions of Release and Bond was executed as to Defendant _____.☐ The conditions of release were modified as stated on the record as to Defendant _____.☐ An amended Order Setting Conditions of Release and Bond was executed as to Defendant _____.☐ The bond application/modification was denied as to Defendant _____.☐ The Government moved for immediate detention of Defendant _____.☐ The motion was ☐ granted; ☐ denied; ☐ granted, in part, and denied, in part.☐ An Order of Detention was executed as to Defendant _____.☐ An amended Order Setting Conditions of Release and Bond was executed as to Defendant _____.☐ The decision regarding the bond or detention application was reserved.☐ An Order Scheduling a Detention Hearing was executed as to Defendant _____.☐ A temporary Order Setting Conditions of Release and Bond was executed as to Defendant _____.☐ See Section V of this minute entry (*page 4*) for additional details and/or rulings.**For a defendant currently IN-CUSTODY:**☒ Defendant 1 remain(s) in custody.☐ The following order(s) was/were executed and shall be forwarded to the U.S. Marshals Service and/or the Federal Bureau of Prisons:☐ A Medical Evaluation Order as to Defendant _____.☐ A Competency Order as to Defendant _____.☐ A Force Order as to Defendant _____.☐ Defendant _____, being found not guilty, shall be released, forthwith.☐ A Time Served Order was executed and submitted to the U.S. Marshals Service.**For a defendant currently AT LIBERTY:**☐ Defendant _____ remain(s) on bond.☐ Defendant _____ remain(s) at liberty, under the supervision of the U.S. Probation Department (*for a VOP or VOSR case*).

V. OTHER RULINGS MADE DURING THE PROCEEDINGS:

- ☒ - For the reasons stated on the record, Juror # 12 was excused with the thanks of the Court. Alternate Juror # 1 has taken the place of Juror # 12.

VI. FURTHER PROCEEDINGS SET:

- ☐ Jury Selection: _____ at _____ before Judge _____ (_____), as to Defendant _____.
☒ Jury Trial: 6/6/2023 at 9:30 AM before Judge Joanna Seybert (In Courtroom 1030.), as to Defendant 1.
☐ Motion Hearing: _____ at _____ before Judge _____ (_____), as to Defendant _____.
☐ Status Conference: _____ at _____ before Judge _____ (_____), as to Defendant _____.
☐ Bond Hearing: _____ at _____ before Judge _____ (_____), as to Defendant _____.
☐ Detention Hearing: _____ at _____ before Judge _____ (_____), as to Defendant _____.
☐ Sentencing: _____ at _____ before Judge _____ (_____), as to Defendant _____.
☐ Parties are directed to file their sentencing memorandums by _____. Once the memorandums are filed, the parties are to ensure courtesy copies of their submissions are promptly provided to Chambers. (**Note:** Attaching the documents to an e-mail does not satisfy this directive.) If a party chooses to proceed without filing a sentencing memorandum, a letter to the Court advising as such must be filed on said due date, in lieu of the memorandum.
☐ Further instructions regarding the proceedings set:
☐ The Court ordered the proceeding(s) to be held via the Court's teleconferencing system. Parties are directed to dial the following telephone number at the designated time: **877-336-1839, access code 7231185.**
☐
☐ No further proceedings have been set at this time. (**Note:** Further proceedings may have been set previously. Refer to the docket sheet.)